

**MINUTES OF THE  
JUDICIARY INTERIM COMMITTEE**

Wednesday, June 15, 2016 – 8:30 a.m. – Room 25 House Building

**Members Present:**

Rep. LaVar Christensen, House Chair  
Sen. Luz Escamilla  
Sen. Lyle W. Hillyard  
Sen. Ralph Okerlund  
Sen. Stephen H. Urquhart  
Rep. Fred C. Cox  
Rep. Bruce R. Cutler  
Rep. Brian M. Greene  
Rep. Craig Hall  
Rep. Brad King  
Rep. Merrill F. Nelson  
Rep. Dixon M. Pitcher

Rep. V. Lowry Snow  
Rep. Keven J. Stratton  
Rep. Norman K. Thurston  
Rep. Mark A. Wheatley

**Members Absent:**

Sen. Mark B. Madsen, Senate Chair

**Staff Present:**

Mr. Gregg Girvan, Policy Analyst  
Ms. Esther Chelsea-McCarty, Associate General Counsel  
Ms. Lucy W. Daynes, Legislative Assistant

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Christensen called the meeting to order at 8:46 a.m.

**MOTION:** Sen. Okerlund moved to approve the minutes of the May 18, 2016, meeting. The motion passed unanimously with Sen. Escamilla, Sen. Urquhart, Rep. Pitcher, and Rep. Wheatley absent for the vote.

**2. Sunset Review: Crime Victim Reparations and Assistance Board**

Mr. Gary Scheller, Director, Utah Office for Victims of Crimes, spoke about the makeup and functions of the Crime Victims Reparations and Assistance Board. He explained that the Crime Victims Trust Fund is funded through surcharges on criminal fines.

Mr. Scheller answered questions from the committee regarding crime victim reparations, surcharges on criminal fines, and board membership.

Mr. Chet Loftis, Chair, Crime Victims Reparations and Assistance Board, said that the reparations program is effective in assisting individuals who have been harmed and that existing statutes are effective in controlling the actions of the board.

Mr. Steve Burton, Legislative Committee Chair, Utah Association of Criminal Defense Lawyers, encouraged the committee to incorporate the perspective of defense attorneys, particularly indigent defense attorneys, on the board.

**3. Offenses Against the Person Amendments**

Rep. Snow referenced 2016 General Session H.B. 317, "Offenses Against the Person Amendments," and noted changes between the bill and 2017 draft legislation addressing the issue. He distributed "Strangulation Fact Sheet" and highlighted data pertaining to strangulation and homicide.

Rep. Snow answered questions from the committee regarding strangulation and the draft legislation.

#### **4. Uniform Law Review**

Rep. Snow explained the purpose and provisions of draft legislation "Uniform Real Property Transfer on Death Act" (2017FL-0099/003). He distributed "Julie Jason, Many states are embracing transfer-on-death deeds" and noted that similar provisions exist in other states.

Rep. Snow answered questions from the committee regarding draft legislation "Uniform Real Property Transfer on Death Act."

Mr. Jerry Houghton, President, Utah Association of County Recorders, stated that a few changes to the draft legislation "Uniform Real Property Transfer on Death Act" are needed to address the concerns of recorders and that the association will work with Rep. Snow on the issue.

Rep. Snow summarized provisions of draft legislation "Fiduciary Access to Digital Assets" (2017FL-0098/003). He said that the bill is necessary to ensure that survivors have access to a decedent's digital property, including online bank accounts and data stored in the cloud.

#### **5. Justice Courts**

Chair Christensen introduced the topic.

Ms. Doreen Weyland, Justice Reinvestment Initiative Coordinator, Commission on Criminal and Juvenile Justice, said that the commission is collecting data on changes in types of charges due to recent legislation. She presented "Justice Court Filings Summary – June 2016 – Interim Presentation" and noted that the commission will provide additional data later in the interim.

Mr. Rick Schwermer, Assistant State Court Administrator, Administrative Office of the Courts, stated there has not been enough time to fully evaluate changes, since the state's criminal justice reforms are still being implemented.

Mr. Schwermer answered questions from the committee regarding drug courts, juvenile justice, and court budgets.

Mr. Lincoln Shurtz, Director of Government Affairs, Utah Association of Counties, noted county-level changes to justice court case loads and funding. He stated that there has been a cost shift from the state to the counties.

#### **6. Other Items/Adjourn**

**MOTION:** Rep. Cutler moved to adjourn. The motion passed unanimously with Sen. Hillyard, Sen. Okerlund, Sen. Urquhart, Rep. King, Rep. Pitcher, Rep. Snow, and Rep. Thurston absent for the vote.

Chair Christensen adjourned the meeting at 11:00 a.m.